

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 18553 of 2003(H)

PETITIONER:

**KUNJAN, S/O. NEELAKANDAN,
CHITTINAKKATTU HOUSE, RAJAKKADU,
UDUMBANCHOLA, IDUKKI DISTRICT.**

BY ADV. SRI.JOSEPH SEBASTIAN PURAYIDAM.

RESPONDENTS:

- 1. THAHASILDAR (RR), NEDUMKANDAM,
IDUKKI DISTRICT.**
- 2. REVENUE DIVISIONAL OFFICER,
DEVIKULAM, IDUKKI DISTRICT.**

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C). NO.18553/2003:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE RECEIPT ISSUED BY THE VILLAGE OFFICER DTD. 17/11/1994.

**EXT.P.2: COPY OF THE RECEIPT ISSUED BY THE .1. TO THE PETITIONER DTD.
18/10/1994.**

**EXT.P.3: COPY OF THE LETTER ISSUED BY THE R.1. TO THE PETITIONER DTD.
26/04/2003.**

**EXT.P.4: COPY OF THE LETTER ISSUED BY THE R.1. TO THE PETITIONER DTD.
06/05/2003.**

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P.(C) No.18553 of 2003

Dated this the 16th day of March, 2007.

JUDGMENT

Ext.P3 order passed by the second respondent is under challenge. The issue pertains to cancellation of an auction conducted as early as in 1994, in the year 2003. An extent of 9 cents of land in Rajakkad village owned by one M.K.Kumaran was put to auction by the revenue for realisation of the award amount in a motor accident claim. The petitioner was the highest bidder in the auction conducted on 18.10.1994. Part of the amount was stated to be deposited on that day and the balance amount on 17.11.1994. The petitioner was put in possession of the property, he constructed a house thereon and made substantial improvements. While so, after more than nine years, the second respondent cancelled the auction on the ground that the sale conducted on 18.10.1994 was preceded by a notice only on 15.10.1994. In other words, there was no notice for the required 30 days. I am afraid, this stand cannot be appreciated. Admittedly full amount was deposited by the petitioner, he was

put in possession, he constructed a house and made other improvements also. Thereafter more than nine years only Ext.P3 was taken to cancel the auction on the alleged irregularity of insufficient notice. There is no case for the respondents that any prejudice as such was caused by such want of notice.

2. In the circumstances, there is no point or justification in harassing the petitioner at this length of time. The auction conducted pursuant to which the petitioner was put in possession of the property shall be treated as valid for all purposes. The impugned orders are quashed.

The writ petition is allowed as above.

KURIAN JOSEPH, JUDGE

vns